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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,464	06/29/2001	Michel Ruffin	Q64056	7377

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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/807,464

Applicant(s)

RUFFIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-6 are presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 10/6/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-6 is maintained.

Applicant states, (1) "By the amendment to the claims, applicant has amended the claims to address the examiner's concerns and improve clarity". The examiner respectfully disagrees. The claimed subject matter of the amended claims now has a different scope than the claimed subject matter of the originally presented claims. For example, replacement of limitation, "last communication channel" with "the a communication channel", in claim 1; addition of limitations, "one of said communication channels" in claim2; addition of limitations, "a plurality of communication channels enabling asynchronous transaction of information between a supplier and consumer in accordance with ACID properties, each of said channels having a set of clients" in claim 6; etc. The amended limitations is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment. Therefore, the rejection is maintained.

Applicant argues, (2) "Schaefer et al. 6,157,927 (Hereinafter Schaefer) does not disclose to provide the source with an asynchronous communication means towards the recipients and to have the chain of transaction: the source receives the "commit" when the first link has received the information, i.e. with no delay. Then, each link will set up a new (independent) transaction with the following link". The examiner respectfully disagrees in response to applicant's

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arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "to provide the source with an asynchronous communication means towards the recipients and to have the chain of transaction: the source receives the "commit" when the first link has received the information, i.e. with no delay. Then, each link will set up a new (independent) transaction with the following link" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, "the method comprising transmitting the information by means of independent transactions set up between the supplier and a first communication channel of the chain, between each of the communication channels of the chain, and between the last communication channel of the chain and the consumer". Please refer to the below rejections of this office action to the presented amended claims. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Applicant argues, (3) "Schaefer does not disclose transmitting the information via independents transactions between the service clients and the communication channels". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "transmitting the information via independents transactions between the service clients and the communication channels" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

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USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, “the method comprising transmitting the information by means of independent transactions set up between the supplier and a first communication channel of the chain, between each of the communication channels of the chain, and between the last communication channel of the chain and the consumer”. Please refer to the below rejections of this office action to the presented amended claims. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Applicant argues, (4) “Schaefer does not disclose the issue of transmitting information from one source to a recipient through a chain of channels, each channel being associated with a transaction”. The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “transmitting information from one source to a recipient through a chain of channels, each channel being associated with a transaction” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, “the method comprising transmitting the information by means of independent transactions set up between the supplier and a first communication channel of the chain, between each of the communication channels of the chain, and between the last communication channel of the chain and the consumer”. Please refer to the below rejections of this office action to the presented amended claims. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Applicant argues, (5) “Schaefer does not disclose all the transactions are performed in parallel, as in the present invention, there is a sequence of transactions, and one waits to assert that the transaction has succeeded before to initiate the next transaction with the next link”. The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “all the transactions are performed in parallel, as in the present invention, there is a sequence of transactions and one waits to assert that the transaction has succeeded before to initiate the next transaction with the next link” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, “the method comprising transmitting the information by means of independent transactions set up between the supplier and a first communication channel of the chain, between each of the communication channels of the chain, and between the last communication channel of the chain and the consumer”. Please refer to the below rejections of this office action to the presented amended claims. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

***Priority***

3. Applicant is requested to submit the translated priority document in English for the France priority papers submitted on 4/13/2001 (i.e., France 99 10 516, 08/16/1999 application) for verification in order to benefit the effective date as 08/16/1999.

*Drawings*

4. Applicant submitted corrected drawings, i.e., figure 1 and 2 submitted on 10/6/2004 are acknowledged.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Amended claims 1, 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Amended claim 1 recites, the limitation, “the a communication channel of said chain and said consumer”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple communication channels exist in the claim, it is not clear which communication channel is referred by this limitation.
7. Amended claim 2 recites, the limitations, “finalizing said independent transaction”, “if said independent transaction”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple independent transactions exist in the claim, it is not clear which independent transaction is referred by these limitations.
8. Amended claim 6 recites, the limitations, “the information contained in a transaction”, “said channel is the target”, “transactions containing said information with said clients”, “said transaction has succeeded”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple channels, transactions, and multiple different clients (each of the channels have a

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set of clients which can be other communication channels or consumers) exist in the claim, it is not clear which channel, transaction and clients are referred by these limitations.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al. 6,157,927 (Hereinafter Schaefer).

11. As per claim 1, Schaefer teaches the following:

a method of transmitting information asynchronously (e.g., col., 14, lines 6 –10) between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57), said supplier and said consumer being connected by a chain of communication channels (e.g., col., 2, lines 24 – 61), the method comprising transmitting said information by means of independent transactions (e.g. multiple transactions are supported e.g., figures 6A-6D, both non-global and global plurality of transactions are supported using ACID properties, multiple phase commit is supported for Distributed Transaction Processing, col., 3, lines 1-53, further asynchronous



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transactions are supported for distributed transaction processing, col., 13, line 34 – col., 14, line 49) set up

between said supplier and a first communication channel of said chain (e.g., col., 2, lines 24 – 61, figures 1-4G),

between each of the communication channels of said chain (e.g., col., 2, lines 24 – 61, figures 1-4G), and

between the a communication channel of said chain and said consumer (e.g., col., 2, lines 24 – 61, figures 1-4G).

12. As per claims 2 and 4, Schaefer teaches the following:

a communication channel enabling asynchronous transmission of information between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57),

each communication channel has a set of clients which are other communication channels or consumers (e.g., col., 8, lines 25 – 67) and when one of said communication channels of said chain is a target of one of said independent transactions (e.g., col., 8, lines 25 – 67), the method further comprises:

storing said information in a reliable memory (e.g., col., 9, line 31 – col., 10, line 24),

finalizing said independent transaction (e.g., col., 9, line 31 – col., 10, line 24), and

if said independent transaction has succeeded, initiating independent transactions with said clients containing said information (e.g., col., 9, line 31 – col., 10, line 24).

13. As per claims 3, 5, Schaefer teaches the following:

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to initiate said independent transactions said information is stored in a plurality of queues (e.g., col., 13, line 38 – col., 14, line 49) each of which is associated with one of said clients and consumed by a thread (e.g., col., 12, lines 13 – 47),

utilizing a plurality of communication channels (e.g., col., 12, lines 13 – 47).

14. As per claim 6, Schaefer teaches the following:

a transactional asynchronous communication architecture (e.g., col., 13, line 37 – col., 14, line 49, col., 2, lines 24 – 61, figures 1-4G) comprising a plurality of communication channels (e.g., col., 2, lines 24 – 61, figures 1-4G) enabling asynchronous transmission of information (e.g., col., 13, line 37 – col., 14, line 49, col., 2, lines 24 – 61, figures 1-4G) between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57, e.g. multiple transactions are supported e.g., figures 6A-6D, both non-global and global plurality of transactions are supported using ACID properties, multiple phase commit is supported for Distributed Transaction Processing, col., 3, lines 1-53, further asynchronous transactions are supported for distributed transaction processing, col., 13, line 34 – col., 14, line 49), each of said channels having a set of clients which can be other communication channels or consumers (e.g., col., 2, lines 24 – 61, figures 1-4G), wherein each of communication channels (e.g., col., 2, lines 24 – 61, figures 1-4G) comprises:

means for storing the information contained in a transaction for which said channel is the targets (e.g., figures 1-4G, col., 9, line 31 – col., 10, line 24),

means for finalizing said transaction (e.g., col., 13, lines 1 – 19, col., 15, line 51 – col., 16, line 42), and

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means for initiating transactions containing said information with said clients if said transaction has succeeded (e.g., figures 1-4G, col., 9, line 31 – col., 10, line 24).

***Conclusion***

15. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

March 4, 2005



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